

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Nick Spagnolo,

Plaintiff

v.

Clark County, Nevada,

Defendant

2:15-cv-02250-JAD-GWF

**Order Granting Motion to Dismiss and  
Closing Case**

[ECF 33]

Nick Spagnolo sues Clark County, Nevada, alleging a series of civil-rights violations under 42 USC § 1983 and Nevada's statutory provisions.<sup>1</sup> Spagnolo's allegations stem from the alleged misconduct of the Clerk of Nevada's Eighth Judicial District Court. On December 16, 2015, Clark County moved to dismiss the case for untimely service of process and failure to state a claim for relief.<sup>2</sup> The next day, I entered an order containing the notice required under *Klinge v. Eikenberry*<sup>3</sup> and *Rand v. Rowland*.<sup>4</sup> This notice explicitly warned Spagnolo that he had 14 days to respond to Clark County's motion and that his failure to do so could result in the dismissal of his claims.<sup>5</sup> Responses were due by December 31, 2015. Spagnolo has filed no response, and he has not requested an extension to do so.

Local Rule 7-2(d) provides, "The failure of an opposing party to file points and authorities in response to any Motion shall constitute a consent to the granting of the motion." Spagnolo was expressly warned that his failure to file a response could result in the dismissal of his case, and he has filed no opposition to Clark County's motion to dismiss.

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<sup>1</sup> ECF 1.

<sup>2</sup> ECF 33.

<sup>3</sup> *Klinge v. Eikenberry*, 849 F.2d 409 (9th Cir. 1988).

<sup>4</sup> *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998) (en banc). ECF 34.

<sup>5</sup> *Id.*

1 Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY ORDERED,  
2 ADJUDGED, AND DECREED that defendant's motion to dismiss [ECF 33] is **GRANTED**. This  
3 case is dismissed without prejudice. The Clerk of Court is instructed to **CLOSE THIS CASE**.

4 Dated this 26th day of January, 2016

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7 Jennifer A. Dorsey  
8 United States District Judge  
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